

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN DAVID DAWSON,)	
)	
Petitioner,)	Civil Action No. 3:22-cv-66
)	
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
SUPERINTENDENT OF SCI-)	
ALBION and PENNSYLVANIA)	
ATTORNEY GENERAL’S OFFICE,)	
)	
Respondents.)	
)	

MEMORANDUM ORDER

Currently pending before the Court is a Motion to Stay the Petition for Writ of Habeas Corpus that was filed by Petitioner on April 5, 2022.¹ (ECF No. 2.) The Petition for Writ of Habeas Corpus in this case challenges Petitioner’s judgment of sentence at CP-56-CR-0000306-2009. Petitioner requests that this case be stayed until such time he has finished exhausting his remedies in the state courts.

The United States Supreme Court held in Rhines v. Weber, 544 U.S. 269 (2005), that district courts have discretion to stay a mixed habeas petition to allow a petitioner to present his unexhausted claims to the state court in the first instance, and then to return to federal court for review of his perfected petition. Because of our interest in comity and respect for state courts, the Court finds that there is good cause to exercise its discretion to stay consideration of the Petition in this case pending exhaustion of Petitioner’s state court remedies. Accordingly, this 29th day of June, 2022,

IT IS HEREBY ORDERED that Petitioner’s Motion to Stay (ECF No. 2) is **GRANTED**.

¹ This case was transferred from the Middle District of Pennsylvania to this Court on May 4, 2022. See ECF Nos. 5-7.

IT IS FURTHER ORDERED that consideration of the Petition is stayed and that the Clerk of Court is directed to administratively close this case.

IT IS FURTHER ORDERED that, in the event Petitioner does not get the relief he seeks in state court, he shall file a motion to lift the stay and reopen this case within thirty (30) days of the conclusion of the state court proceedings.

IT IS FURTHER ORDERED that Petitioner's request for permission to file an amended petition for writ of habeas corpus after he has finished exhausting his remedies in the state courts is **GRANTED**. The amended petition will be due no later than thirty (30) days after the stay is lifted in this case.

AND IT IS FURTHER ORDERED that Petitioner's requests for appointment of counsel and to schedule an evidentiary hearing in this matter are **DENIED without prejudice** to Petitioner refiling motions requesting such relief upon lifting of the stay in this case.



Lisa Pupo Lenihan
United States Magistrate Judge

Cc: John David Dawson
KD-9899
SCI Albion
10745 Route 18
Albion, PA 16475-0001
(Via First Class U.S. Mail)